



FISCAL MEMORANDUM

HB 1767 - SB 1988

February 7, 2022

SUMMARY OF BILL AS AMENDED (013291): Requires no release eligibility for aggravated assault or aggravated robbery offenses committed on or after July 1, 2022, less sentence credits. Prohibits a reduction of such sentences to less than 85 percent of the sentence imposed.

FISCAL IMPACT OF BILL AS AMENDED:

Increase State Expenditures – \$19,764,800 Incarceration

Assumptions for the bill as amended:

Aggravated Assault

- Based upon information provided by the Department of Correction (DOC), there has been an average of 787.3 admissions in each of the last 10 years for the Class C felony offense under Tenn. Code Ann. § 39-13-102 for aggravated assault, with an average sentence length of 4.70 years and an estimated average time served of 2.13 years.
- Accounting for recidivism rates, the proposed legislation will result in 455.69 admissions annually serving an additional 1.86 years $[(4.70 \times 85.0\%) - 2.13]$.
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ -	FY22-23
\$ 1,190,100	FY23-24
\$ 9,612,200	FY24-25
\$ 17,989,100	FY25-26
\$ 18,122,200	FY26-27
\$ 18,327,200	FY27-28
\$ 18,415,500	FY28-29
\$ 18,527,500	FY29-30
\$ 18,664,600	FY30-31
\$ 18,875,700	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$18,875,700.

Aggravated Robbery

- Pursuant to Tenn. Code Ann. § 40-35-501(k)(1), aggravated robbery conviction must serve 85 percent of the sentence imposed less sentence credits earned and retained but in no instance shall the credits-imposed result in less than 70 percent of the sentence being served. It is assumed that offenders are serving at least 70 percent of their sentence.
- Based upon information provided by the Department of Correction (DOC), there has been an average of 72.1 admissions in each of the last 10 years for the Class B felony offense under Tenn. Code Ann. § 39-13-402 for aggravated robbery with no priors. The average sentence length of 9.04 years and an estimated average time served of 5.17 years.
- Accounting for recidivism rates, the proposed legislation will result in 41.73 admissions annually serving an additional 1.11 years $\{[(5.17 / 70.0\%) \times 85\%] - 5.17\}$.
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ -	FY22-23
\$ -	FY23-24
\$ -	FY24-25
\$ -	FY25-26
\$ -	FY26-27
\$ 646,300	FY27-28
\$ 867,700	FY28-29
\$ 871,900	FY29-30
\$ 880,500	FY30-31
\$ 889,100	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$889,100.

Total Impact

- The recurring increase in incarceration expenditures will be \$19,764,800 (\$18,875,700 + \$889,100).
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.

- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/vh